
**Minutes
Public Safety Personnel Retirement Board
(Police Department)
November 4, 2010**

Minutes of the Public Safety Personnel Retirement Board (Police Department), held on Thursday, November 4, 2010, 3:30 p.m., Tempe City Hall – Mayor’s Office, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Mayor Hugh Hallman
Todd Bailey
Jeff McHenry
James Foley

Board Members Absent:

Joe Brosius

Staff Present:

Brigitta M. Kuiper, City Clerk
Jon O’Connor, Human Resources Deputy Director
Lynna Soller, Employee Benefits Administrator

Guests Present:

David Niederdeppe, Legal Counsel

Mayor Hallman called the meeting to order at 3:30 p.m.

ITEM I – Consideration of Meeting Minutes

Motion by Jeff McHenry to approve the board meeting minutes of October 7, 2010; second by James Foley. Motion passed 4-0.

ITEM II – Motion to Adjourn to Executive Session

Motion by James Foley to convene into Executive Session at 3:31p.m.; second by Todd Bailey. Motion passed 4-0.

Prior to convening into the Executive Session, Mr. Niederdeppe stated that a member of this local board, Jeff McHenry, is also a member of the Board of Trustees for the Public Safety Personnel Retirement System. Due to the appearance of impropriety, he may need to declare a conflict of interest. Jeff McHenry stated he was not sure if he had a conflict of interest. Mr. Niederdeppe explained conflict of interest as it pertains to Mr. McHenry’s role as a local board member and also as a Board of Trustees member. Based on the discussion, Mr. McHenry chose to recuse himself from the Executive Session discussion. Mr. McHenry and Jon O’Connor left the meeting at 3:35 p.m.

The meeting was called back to order at 3:43 p.m.

ITEM III – Ralph Tranter Litigation

Mayor Hallman stated that the board will not take action to appeal the accidental disability retirement for Ralph Tranter.

ITEM IV – Status Update: Kathrine Welker

Mr. Niederdeppe updated Board members on the status of the Welker case. Answers to the complaint have been filed in Superior Court. An opening brief will be scheduled for mid-November with a responsive brief to be filed 45 days thereafter. A reply brief may also be filed. The Board is not required to take any action; however, the Board may respond to the brief once it is filed in Superior Court.

ITEM V – Request from City of Tempe for Annual Report Pursuant to ARS §38-847(D)(6)

Ms. Kuiper stated she received a request from the City of Tempe for an annual report as allowed by state statutes. A memo from the Human Resources Department was provided as part of the agenda packet. Jon O'Connor, Deputy Human Resources Director, is present to answer questions regarding the annual report.

Mr. O'Connor stated that the Human Resources Department is concerned with the legal costs that have continued to grow. He requested that the Board advise the Human Resources (HR) staff of future and pending cases so that the department can better estimate the legal costs. Mayor Hallman asked if the City could provide the Board a list of when officers are retiring and whether they might have a disability retirement. The best place to get this information is from the Police and Fire Departments. Mr. O'Connor agreed; however HR was looking for additional information on pending litigation items once the Board becomes aware of them. Mayor Hallman stated that once these types of issues are scheduled, the City Clerk's Office can inform HR. Ms. Kuiper stated that the HR Department receives a copy the agenda packets for both the Police and Fire Board; an HR representative is also present at the meetings. Mr. O'Connor stated that the issue is the rising legal costs; HR is looking for information on pending cases in order to keep a record and budget for the expenses.

Mayor Hallman asked where the legal bills are sent to be paid. Ms. Kuiper stated she receives and reviews the invoices and then forwards them to HR for processing. There was a discrepancy on the last invoice. It will be revised and re-sent to Human Resources next month. In response to a question, Mr. Niederdeppe indicated that the state statutes require the employer, the City of Tempe, to pay the legal expenses incurred by the Board, medical expenses and other reasonable expenses incurred. Ms. Kuiper stated the City Clerk's Office and Human Resources will work closer on these issues in the future.

Motion by James Foley to adjourn; second by Jeff McHenry. Motion passed 4-0.

The meeting was adjourned at 3:51 p.m.

Minutes prepared by: Jaclyn Levin

Brigitta M. Kuiper
Board Secretary